

BEFORE THE BOARD OF REAL ESTATE APPRAISERS

STATE OF IDAHO

ORIGINAL

In the Matter of the License of:)
)
JANET E. STROBLE,)
License No. LRA-94,)
)
Respondent.)

Case Nos. REA-A1A-01-00-023

**STIPULATION AND
CONSENT ORDER**

Reapprsr/P11211wa

WHEREAS, information having been received by the Idaho State Board of Real Estate Appraisers (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Janet E. Stroble (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Idaho State Board of Real Estate Appraisers is empowered by title 54, chapter 41, Idaho Code, to regulate the practice of real estate appraisals in the State of Idaho.

2. Respondent Janet E. Stroble was licensed by the Idaho State Board of Real Estate Appraisers under License No. LRA-94 on December 18, 1991, to engage in the practice of real estate appraisals. Respondent's continued right to licensure is subject to Respondent's compliance with the laws of the Board codified at title 54, chapter 41, Idaho Code, and the rules of the Board, promulgated at IDAPA 24.18.01.

3. Respondent is licensed as a “state licensed residential real estate appraiser.” Pursuant to Idaho Code § 54-4104(14) and Board Rule 300 (IDAPA 24.18.01.300), a “state licensed residential real estate appraiser” is licensed to appraise “residential real property consisting of one (1) to four (4) noncomplex residential units having a transaction value less than one million dollars (\$1,000,000) and complex one (1) to four (4) residential units having a transaction value less than two hundred fifty thousand dollars (\$250,000).”

4. Appraisals in the State of Idaho must comply with the minimum standards set forth in the Uniform Standards of Professional Appraisal Practices (“USPAP”).

5. On or about April 20, 2000, Respondent prepared an appraisal for the property located at 1004 Third Street in Kamiah, Idaho (hereinafter the “Subject Property”).

6. According to Lewis County records, the Subject Property consists of approximately 2.7 acres of land, a 13-unit motel, 13 mobile home spaces, 7 apartments, and an office/manager’s house. Respondent’s report of the Subject Property, however, attempted to appraise the office/manager’s house and the land only as a single family residential property, with no mention of the motel, mobile home spaces, and apartments. In addition, Respondent’s report, in the comments on sales comparison section, states that the “income approach was not used as the subject is not an income producing property” and that the “highest and best use in the foreseeable future is single family residential” when, in fact, the Subject Property is currently being used as commercial.

7. Respondent’s appraisal of the Subject Property failed to meet the following requirements of USPAP Standards (2000):

a. Respondent failed to be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal, in violation of Standards Rule 1-1(a).

b. Respondent failed to accurately identify the property's highest and best use, the property's neighborhood, the property's location and improvement character and failed to use proper valuation techniques, all of which created substantial errors or omissions that impacted the estimate of value, in violation of the Ethics Provision, Conduct, and Standards Rules 1-1(b), 1-1(c), and 1-3(b).

c. Respondent failed to correctly identify the characteristics of the property that are relevant to the purpose and use of the appraisal, in violation of Standards Rule 1-2(e).

d. Respondent failed to correctly identify the scope of work necessary to complete the assignment, in violation of Standards Rule 1-2(f).

e. Respondent failed to utilize proper comparable sales in the sales comparison analysis, and failed to appropriately use either a cost approach or an income approach, in violation of Standards Rules 1-1(b) and 1-4(a), (b) and (c).

f. Respondent failed to analyze the effect on value, if any, of the assemblage of the various estates or component parts of the Subject Property and refrain from valuing the whole solely by adding together the individual values of the various component parts, in violation of Standards Rule 1-1(e).

g. Respondent failed to analyze a prior sale of the Subject Property which occurred on June 16, 1998, in violation of Standards Rule 1-5(b)(ii).

h. Respondent failed to adequately discuss the sales comparable analysis, the sales used, and the logic and reasoning for the estimate of value through this approach, in violation of Standards Rule 1-5(c).

i. Respondent failed to accurately set forth the Subject Property's improvement character and accurately define the market in which the Subject Property competes, in violation of Standards Rule 2-1(a), (b) and (c).

j. Respondent failed to describe information sufficient to identify the Subject Property, including the physical and economic property characteristics relevant to the assignment, in violation of Standards Rule 2-2(a)(iii).

k. Respondent failed to state the use of the Subject Property existing as of the date of value, and the use of the Subject Property reflected in the appraisal, in violation of Standards Rule 2-2(a)(x).

l. Respondent failed to state and explain any permitted departures from specific requirements of Standard 1 and the reason for excluding any of the usual valuation approaches, in violation of Standards Rule 2-2(a)(xi).

8. Respondent's appraisal of the Subject Property was outside the scope of her license, in violation of Idaho Code § 54-4104(14), Board Rule 300, and USPAP (2000) Competency Rule.

9. Respondent's failure to meet the requirements of USPAP Standards in her preparation of the appraisal for the Subject Property constitutes a violation of Idaho Code § 54-4107(1)(e) and IDAPA 24.18.01.700.

B.

I, Janet E. Stroble, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations constitute cause for disciplinary action upon my license to practice real estate appraisals in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of real estate appraisals in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. Respondent shall pay to the Board an administrative fine in the amount of Five Hundred and No/100 Dollars (\$500.00) within thirty (30) days of the entry of the Board's Order.

2. Respondent shall pay investigative costs and attorney fees in the amount of Two Hundred Fifty and No/100 Dollars (\$250.00) within thirty (30) days of the entry of the Board's Order.

3. Respondent shall attend fifteen (15) hours of continuing education in USPAP Standards focusing on the difference between commercial and residential appraisals within six (6) months from the date of entry of the Board's Order and shall take and pass any examinations given at the conclusion of the course(s). Respondent shall submit proof of attendance and proof that she passed any given examinations within 30 days of attendance. If no examinations were given at the conclusion of the class, Respondent shall submit a letter from the course instructor stating that no examinations were given. Should Respondent fail to pass any given examination, the hours of continuing education taken for the class shall not be applied to the fifteen (15) hours required. Said 15 hours of continuing education shall be in addition to any continuing education Respondent is required to obtain to maintain her license.

4. Respondent's License No. LRA-94 shall be placed on probation for a period of one (1) year from the date of entry of the Board's Order. The conditions of probation are as follows:

a. Respondent shall maintain a log of all appraisals completed on a form approved by the Board. A copy of the approved form is attached hereto as Exhibit

A. Respondent shall submit the completed form postmarked no later than the last day of each month to the Board at 1109 Main Street, Suite 200, Boise, Idaho 83702. The Board reserves the right to review any and all appraisal reports listed on the logs kept by Respondent. Failure to submit completed logs to the Board postmarked by the last day of each month may result in additional discipline, including revocation of licensure.

b. Respondent shall not prepare any appraisal which is outside of the scope of her licensure. If Respondent is unsure whether an appraisal is within the scope of his licensure, Respondent shall immediately contact a Board member for assistance.

c. Respondent shall comply with all state, federal and local laws, rules and regulations governing the practice of real estate appraisals in the State of Idaho.

d. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

e. In the event Respondent should leave Idaho to reside or to practice outside of the state, Respondent must provide written notification to the Board of the dates of departure, address of intended residence or place of business, and indicate whether Respondent intends to return. Periods of residency or practice outside of Idaho will not apply to the reduction of the probationary period or excuse compliance with the terms of this Stipulation.

f. Respondent shall fully cooperate with the Board and its agents, and submit any documents or other information within a reasonable time after a request is made for such documents or information.

g. Respondent shall make all files, records, correspondence or other documents available immediately upon the demand of any member of the Board's staff or its agents.

5. At the conclusion of the one-year probationary period, Respondent may request from the Board removal of the restrictions placed upon License No. LRA-94. Any request for removal of the above restrictions must be accompanied by written proof

of compliance with the terms of this Stipulation. The Board shall remove the restrictions and terminate the Consent Order provided all of the terms of the Consent Order have been complied with.

6. All costs associated with compliance with the terms of this stipulation are the sole responsibility of Respondent.

7. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D.

1. It is hereby agreed between the parties that this Stipulation shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this Stipulation. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this Stipulation is rejected.

3. If the Stipulation is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Stipulation will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. The Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation and Consent Order shall be considered a violation of Idaho Code § 54-4107. If Respondent violates or fails to comply with this

Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

b. At the hearing before the Board upon default, the Board and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.


7. The Board shall have the right to make full disclosure of this Stipulation and Consent Order and the underlying facts relating hereto to any state, agency or individual requesting information subject to any applicable provisions of the Idaho Public Records Act, Idaho Code §§ 9-337-50.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the

Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.


DATED this 19th day of June, 2001.


Janet E. Stroble
Respondent

I concur in this stipulation and order.

DATED this 27 day of June, 2001.


STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By 
Kirsten L. Wallace
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-4106, the foregoing is adopted as the decision of the Board of Real Estate Appraisers in this matter and shall be effective on the 28 day of June, 2001. IT IS SO ORDERED.

IDAHO STATE BOARD
OF REAL ESTATE APPRAISERS

By 
R. Doyle Pugmire, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of July, 2001, I caused to be served a true and correct copy of the foregoing by the following method to:

Janet E. Stroble
P.O. Box 1541
Orofino, ID 83544

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☒ Facsimile: 208-476-3500
- ☐ Statehouse Mail

Kirsten L. Wallace
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail


Thomas Limbaugh, Chief
Bureau of Occupational Licenses